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July 18, 2012

VIA ECF
Hon. Michael Shipp
United States Magistrate Judge
United States District Court
MLK Courthouse
50 Walnut Street, Courtroom 2C
Newark, New Jersey 07101-0999

Re: Dare Investments, LLC v. Chicago Title, et al
Case No. 2:10-cv-06088

Dear Magistrate Shipp:

I am the attorney for the plaintiff, Dare Investments, LLC. I write to respond to the letter request for a conference submitted earlier today by counsel for the Defendant, Chicago Title.

Chicago Title raises three issues associated with Dare's production: (1) Redacted Marginalia in "Misc Attorney Notes"; (2) "Redacted copies of the George Pratt memos to file" and (3) "Items in Dare's Initial Disclosures". We address them seriatim.

1. "Redacted Marginalia in "Misc Attorney Notes." Jones Waldo (JW) allowed us to review documents that they were prepared to turn over pursuant to a subpoena from Chicago Title. We turned over a document containing handwritten notes about the transaction pursuant to which Dare acquired the mortgage that is the subject of this action, and that memo contained a marginal note evidently written by George Pratt, who was Dare's attorney. We believed that the marginal note contained Mr. Pratt's mental impressions of what he was reading in the handwritten note, and that the note has no factual content at all. We propose to submit the unredacted copy of this page to the court for a ruling on whether it should be produced.

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2. "Redacted copies of the George Pratt memos to file" Among the files that JW allowed us to review there were several memos to file that George Pratt had written in May and June 2007, long after the relationship between Chicago Title and Dare had turned adversarial. These memos do not relate to the transaction pursuant to which Dare acquired the mortgage that is the subject of this action, but to the current litigation. Thus, these documents, which were swept up by Chicago Title's subpoena are clearly not discoverable. We propose to submit the unredacted copy of these memos page to the Court for a ruling on whether they should be produced.
3. "Items in Dare's Initial Disclosures:" Chicago Title makes a lot of heavy weather over Dare's reference, in its Initial Disclosures, to the State Court Litigation (a dispute over ownership of the real property on which Dare holds the mortgage that Chicago Title guaranteed) as documents which it may use to support its claims or defenses. Dare does not have any such documents in its possession that have not been turned over in discovery, and for that reason Dare (by its former counsel) probably should not have listed those documents in its Initial Disclosures.

We are available to discuss any of these issues with the court today or Friday morning, but I will be out all day tomorrow.

We thank the Court for its time and assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arthur Russell", written in a cursive style.

Arthur Russell

Enclosures – Privilege Logs
cc: Michael O'Donnell, via ECF

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UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY

 DARE INVESTMENTS, LLC,

Plaintiff,

-against-

CHICAGO TITLE INSURANCE COMPANY;
 HORIZON TITLE AGENCY, et al.,

Defendants.

Case No.:
 2:10-cv-6088
 (DRD)(MAS)

PRIVILEGE LOG RE: GWP MEMO FILE

(All documents, unless otherwise noted, are memos to file)

Page	Date	Subject	Privilege Asserted
GWP 11	7/30/07	Confer with local counsel	Work product
GWP 17	7/5/07	Representation of Dare in New Jersey	Work product
GWP 20-21	7/26/07	Consideration of potential litigation in New Jersey and representation in New Jersey.	Attorney-client Work product
GWP 22	6/26/07	Representation in New Jersey.	Work product
GWP 23-24	6/25/07	Confer with Scarpone.	Work product
GWP 25-26	6/25/07	Confer with Ken Williams	Work product
GWP 31	6/11/07	Representation in New Jersey	Work product
GWP 32	6/11/07	Confer with Rick McCloskey.	Attorney-client
GWP 34	6/1/07	Confer with Gordon Duval.	Work product

GWP 35-36	5/31/07	Confer with Ken Williams.	Work product
GWP 37	5/30/07	Coverage investigation.	Work product
GWP 38	5/31/07	Email from Gary Sackett to George Pratt and other attorneys in the firm re strategy.	Work product
GWP 39	5/31/07	Confer with Ken Williams.	Work product
GWP 40	5/31/07	Coverage investigation.	Attorney-client Work product
GWP 41	5/30/07	Coverage investigation.	Work product
GWP 42-43	5/22/07	Confer with Scarpone.	Work product
GWP 44	5/22/07	Confer with Rick McCloskey.	Attorney-client Work product
GWP 45	5/22/07	Confer with Ken Williams.	Work product
GWP 53	4/12/07	Confer with Rick McCloskey.	Attorney-client
GWP 58	4/5/07	Confer with Rick McCloskey.	Attorney-client
GWP 79	10/2/06	Confer with Rick McCloskey.	Attorney-client

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PRIVILEGE LOG RE: GWP HANDWRITTEN MEMO
(All documents, unless otherwise noted, are memos)

Page	Date	Subject	Privilege Asserted
No number	No date	Marginal comment by attorney on handwritten memo by unidentified other	Work product

Nutley, NJ, July 18, 2012



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